

**From:** Hihn Jason  
**To:** 'microsoft.atr(a)usdoj.gov'  
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**Subject:** Microsoft Settlement.

After reviewing documents on this matter, I am concerned about the lack of impact the settlement would have on non-commercial software.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

Should be modified by replacing "business" with "organization." Furthermore it is unconscionable that Microsoft be able to pick it's competition.

Microsoft's biggest competitors are now "open-source" projects. Linux competes with them more than any other OS and is next to windows in volume growth. Apache still runs 1/2 the internet and IIS runs the other half.

OpenOffice, StarOffice, KOffice compete with Microsoft Office and all three are open-source (But StarOffice is run by Sun.) Allowing Microsoft to exclude its biggest competitor, the open-source movement, makes this antitrust arrangement completely worthless.

Personally, I think Microsoft should be barred from creating software and the operating system for that software. I think Microsoft should be made to use BSD or Linux. If Microsoft really is behind standards & compliance, then one of these two would be a great choice. It would enable Microsoft to ship applications for many more machines than they currently support (x86 architecture only.) By using one of these two (but taking note that Linux works on many kinds of CPU architectures (ARM, PowerPC, MIPS, x86, H8, SPARC, etc)) they would be able to have a much larger market, but they also would be stripped of any kind of OS/Application integration (aka. "monopoly") practices. It is also my understanding that Microsoft makes very little money on the OS (or at least up until this year when they re-structured their licensing.) I think this arrangement would be a win for all.

Please change the aforementioned section so that Microsoft cannot discriminate against it's biggest competition ever - open-source.